IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 953 of 2005 (S/S)

Smt. Basnati Durgapal
W/o Sri Rajendra Kumar Durgapal
At present posted as Assistant Teacher
Primary School
Railakot Block-Hawalbagh
District Almora … Petitioner

Versus

1. State of Uttaranchal through
   Secretary Basic Education
   Dehradun
2. Director of
   School Education
   Uttaranchal, Dehradun
3. District Education Officer
   Almora, District Almora … Respondents

Sri P.S. Bisht, learned counsel for the petitioner
Sri H. Belwal, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 29/30.06.2005 passed by the respondent No. 3 i.e. District Education Officer, Almora.

Brief facts giving rise to this petition are that the petitioner was appointed in the year 1995 as Assistant Teacher in Primary School which is being run by the Basic Shiksha Parishad. Thereafter, she was transferred from various places in the State.

Presently, the petitioner is presently working at Railakot and vide order dated 29/30.06.2005, the respondent No. 3 transferred the petitioner from Railakot to Chinauni.

Feeling aggrieved by the aforesaid transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has submitted that the Rules pertaining to the inconsistent category has not been followed in case of the petitioner. She has also stated in the writ petition that her son is permanently physically handicapped as well as deaf and dump and the District Hospital, Almora is situated at a distance of 45 Km from her transferred place of posting.

As per the submission advanced by the learned counsel for the petitioner, the condition of the son is as such that the petitioner will certainly have the difficulty in getting the proper treatment from the place where she is now transferred.

Learned counsel for the petitioner has submitted that the policy which has been provided vide Government Order No. 718/SSIV(2)/2005 dated 13.05.2005 providing the Rules of Transfer of Teacher relating to Basic and Secondary Education has not been considered by the respondent in passing the impugned transfer order.

I do not find any force in the argument advanced by the learned counsel for the petitioner.

Accordingly, the writ petition is dismissed in-limine.

However, it is open for the petitioner to move fresh representation before the respondent No. 3 within a period of 15 days along with certified copy of the judgment and the respondent No. 3 shall thereafter decide the representation of the petitioner in the light of the Government Order dated 13.05.2005 within a period of 15 days by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

14.07.2005
ASWAL